



Illinois Environmental Protection Agency · 2200 Churchill Road, Springfield, IL 62706

217/782-6761

Refer to: 1990557010 -- Williamson Co.  
Marion/Perma-Treat  
ILD063698971

Certified # P 731 919 395

COMPLIANCE INQUIRY LETTER

August 27, 1985

EPA Region 5 Records Ctr.



386171

Mr. Rudy Bond  
Perma-Treat of Illinois, Inc.  
Post Office Box 99  
Marion, Illinois 62959

Dear Mr. Bond:

The purpose of this letter is to address the status of the above-referenced facility in relation to the requirements of 35 Ill. Adm. Code Part 722 and to inquire as to your position with respect to the apparent violations identified in Attachment A and your plans to correct these apparent violations. The Agency's findings of apparent non-compliance in Attachment A are based on an inspection completed on July 8, 1985. For your convenience a copy of the inspection report is enclosed with this letter.

Please submit in writing, within fifteen (15) calendar days of the date of this letter, the reasons for the identified violations and a description of the steps which have been taken to correct the identified violations. The written response should be sent to the following:

Mark A. Haney, Manager  
Facilities Compliance Unit  
Compliance Monitoring Section  
Illinois Environmental Protection Agency  
Division of Land Pollution Control  
2200 Churchill Road  
Springfield, Illinois 62706

Further, take notice that non-compliance with the requirements of the Illinois Environmental Protection Act and rules and regulations adopted thereunder may be the subject of enforcement action pursuant to either the Illinois Environmental Protection Act, Ill. Rev. Stat., Ch. 111 1/2, Sec. 1001 et seq. or the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sec. 6901 et seq.



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If you have any questions regarding the above, please contact Gerald E. Steele at 518/997-4371.

Sincerely,

*Mark A. Haney*

Mark A. Haney, Manager  
Facilities Compliance Unit  
Compliance Monitoring Section  
Division of Land Pollution Control

MAH:BF:sd/2014e/34-35

cc: Division File ✓  
Southern Region  
Bruce Carlson  
Dun Filson



Attachment A

1. Pursuant to 35 Ill. Adm. Code 722.134(a), a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that:
  - a. The waste is placed in containers and the generator complies with Subpart I of 35 Ill. Adm. Code 725 (Use and Management of Containers) or the waste is placed in tanks and the generator complies with Subpart J of 35 Ill. Adm. Code 725 (Tanks) except 35 Ill. Adm. Code 725.293;
  - b. The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
  - c. While being accumulated on-site each container and tank is labeled or marked clearly with the words "Hazardous Waste";
  - d. The generator complies with the requirements for owners and operators of hazardous waste management facilities in Subpart C (Preparedness and Prevention) and D (Contingency Plan and Emergency Procedures) in 35 Ill. Adm. Code 725 and with 35 Ill. Adm. Code 725.116 (Personnel Training).

You are in apparent violation of 35 Ill. Adm. Code 722.134(a) in that all of the above were not complied with.

2. 35 Ill. Adm. Code 722.140(c) requires the generator to keep records of any test results, waste analyses or other determinations made in accordance with Section 722.111 for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage or disposal. You are in apparent violation of this Section in that records of the hazardous waste determination have not been maintained.

BF:sd/2014e/36

RCRA INSPECTION REPORT  
FORM B - Generator Inspection\*

General Information\*

USEPA Number: 1 L D 0 6 3 6 9 8 9 7 1 IEPA Number: 1 9 9 0 5 5 0 0 1 0

Major Facility: YES ☒ NO ☐ Notified As: Generator Regulated As: Generator

(A) Facility Name: Perma-Treat of Illinois Inc.

(B) Street: P.O. Box 99 N. Carbon and Ind. Pk. Dr.

(C) City: Marion (D) State: Illinois (E) Zip Code: 62959

(F) Phone: 618/997-5646 (G) County: Williamson

Region: 5 (H) Date of Inspection: 08/08/85 Time: (From) 11:00 A. (TO) 12:10 P.

Type of Inspection: ☒ ISS ☐ RECORD REVIEW ☐ SAMPLING ☐ CITIZEN COMPLAINT ☐ OTHER

F/U      /      /      (Date of Initial Inspection)

(I) Weather Conditions: Sunny, 90°

Area	Section	Class I	Class II
other	722. 134		1
other	722. 140		1

TOTAL Class I's & II's 2

(J) Person(s) Interviewed	Title	Telephone
<u>Mr. Rudy Bond</u>	<u>President</u>	<u>618/997-5646</u>
<u>Ms. Carolyn Bond</u>	<u>Sec. - Treas.</u>	<u>618/997-5646</u>

(K) Inspection Participants	Agency/Title	Telephone
<u>G.E. Steele</u>	<u>IEPA / EPS</u>	<u>618/997-4371</u>

(L) Preparer Information	Agency/Title	Telephone
Name: <u>Gerald E. Steele</u>	<u>IEPA / EPS</u>	<u>618/997-4371</u>

\*Do not use this form if Generator is also a treatment, storage, and/or disposal facility.  
\*Complete form "A" if the Generator is also a TSD facility.

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## II. BRIEFLY DESCRIBE SITE ACTIVITY

This facility pressure treats wood used for landscape ties and blocks used in underground mine roof bolts. A water based Chrome-Copper-Arsenate preservative is used. There is only one pressure cylinder on site. Treated timbers are allowed to drip into a concrete pad for 48 hours after treating. The pad and the cylinder door pit both drain to the indoor containment area of the process tanks. Collected liquids are used for make-up water.

## III. MANIFEST REQUIREMENTS (Subpart B)

	Yes	No	NI*	
(A) Does the operator have copies of the manifest available for review?	—	—	<u>x</u>	No wastes have been shipped off-site as of the date of this inspection
(B) Do the manifest forms reviewed contain the following information? (If possible, make copies of, or record information from, manifests that do not contain the critical elements)				
1. Manifest document number?	—	—	<u>x</u>	_____
2. Name, mailing address, telephone number, and EPA ID number of generator?	—	—	<u>x</u>	_____
3. Name and EPA ID Number of transporter(s)?	—	—	<u>x</u>	_____
4. Name, Address, and EPA ID Number of designated permitted facility and alternate facility?	—	—	<u>x</u>	_____

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	Yes	No	NI*	Remarks
5. The description of the waste(s) (DOT shipping name, DOT hazard class, DOT identification number)?	—	—	X	—
6. The total quantity of waste(s) and the type and number of containers loaded?	—	—	X	—
7. Required certification?	—	—	X	—
8. Required signatures?	—	—	X	—
(C) Does the owner or operator submit exception reports when needed?	—	—	X	—

#### IV. PRE-TRANSPORT REQUIREMENTS

(A) Is waste packaged in accordance with DOT regulations? (Required prior to movement of hazardous waste off-site)	—	—	X	Shipment scheduled for mid September
(B) Are waste packages marked and labeled in accordance with DOT regulations concerning hazardous waste materials? (Required prior to movement of hazardous waste off-site)	—	—	X	See above
(C) If required, are placards available to transporter?	X	—	—	Transporter provides
(D) Pre-shipment Accumulation:				
1. Are containers marked with start of accumulation date?	—	X	—	—
2. Are the containers of hazardous waste removed from installation before they can accumulate for more than 90 days?	—	—	X	See Comment (A)

\*Not Inspected

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	Yes	No	NI*	Remarks
3. Are wastes stored in containers managed in accordance with 40 CFR Part 265.174 and 265.176 (weekly inspections of containers, containers holding ignitable or reactive wastes located at least 15 meters (50 feet) from facility's property line)?		<u>X</u>		
4. If wastes are stored in tanks, are the tanks managed according to the following requirements:				No tanks used for waste storage
a. Are tanks used to store only those wastes which will not cause corrosion leakage or premature failure of the tank?			<u>X</u>	
b. Do uncovered tanks have at least 60 cm (2 feet) of freeboard, dikes, or other containment structures?			<u>X</u>	
c. Do continuous feed systems have a waste-feed cutoff?			<u>X</u>	
d. Are required daily and weekly inspections done?			<u>X</u>	
e. Are reactive and ignitable wastes in tanks protected from sources of reaction and ignition, or rendered non-reactive or non-ignitable? Indicate if waste is ignitable or reactive. (If waste is rendered non-reactive or non-ignitable, see treatment requirements)			<u>X</u>	
f. Are incompatible wastes stored in separate tanks? (If not, the provisions of 40 CFR §265.17(b) apply)			<u>X</u>	
g. Has the owner or operator observed the National Fire Protection Association's buffer zone requirements for tanks containing ignitable or reactive wastes?			<u>X</u>	

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Record the following information:

Tank capacity? \_\_\_\_\_ gallons

Tank diameter? \_\_\_\_\_ feet

Distance of tank from property line? \_\_\_\_\_ feet

(see tables 2-1 through 2-6 of NEPA's "Flammable and Combustible Liquids Code - 1977" to determine compliance)

V Training, Emergency Procedures

YES NO : NI\* Remarks

A. Do Personnel training records include: (Effective 5/19/81)

- |  |     |          |     |       |
|--|-----|----------|-----|-------|
| 1. Job Titles?   | ___ | <u>X</u> | ___ | _____ |
| 2. Job Descriptions?   | ___ | <u>X</u> | ___ | _____ |
| 3. Description of training?                                      | ___ | <u>Y</u> | ___ | _____ |
| 4. Records of training?  | ___ | <u>Y</u> | ___ | _____ |
| 5. Have facility personnel received required training            | ___ | <u>Y</u> | ___ | _____ |
| 6. Do new personnel receive required training within six months? | ___ | <u>Y</u> | ___ | _____ |

B. Preparedness and Prevention  
(Part 265, Subpart C)

1. Maintenance and Operation of Facility:

- a. Is there any evidence of fire, explosion, or release of hazardous waste or hazardous waste constituent?

\_\_\_ X \_\_\_ \_\_\_\_\_



2. If required, does this facility have the following equipment?

a. Internal communications or alarm systems?

X                        Voice

b. Telephone or 2-way Radios at the scene of operations?

X                        At office

c. Portable fire extinguishers, fire control, spill control equipment and decontamination equipment?

                    X          

Indicate the volume of water and/or foam available for fire control

\_\_\_\_\_

\_\_\_\_\_

3. Testing and Maintenance of Emergency Equipment:

a. Has the owner or operator established testing and maintenance procedures for emergency equipment?

          X                    

b. Is emergency equipment maintained in operable condition?

          X                    

4. Has owner/operator provided immediate access to internal alarms (if needed)?

X                              

5. Is there adequate aisle space for unobstructed movement?

X                              

C. Contingency Plan and Emergency Procedure (Part 265, Subpart D)

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1. Does the contingency plan contain the following:

a. The actions facility personnel must take to comply with §265.51 and 265.56 in response to fires, explosions, or any unplanned release of hazardous waste? (If the owner has a Spill Prevention, Control and Countermeasures (SPCC) Plan, he needs only to amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this Part as applicable)

  x  

b. Arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to §265.37?

  x  

c. Names, addresses, and phone numbers (Office and Home) of all persons qualified to act as emergency coordinator.

  x  

d. A list of all emergency equipment at the facility which includes the location and physical description of each item on the list, and a brief outline of its capabilities?

  x  

e. An evacuation plan for facility personnel where there is a possibility that evacuation could be necessary? (This plan must describe signal(s) to be used to begin evacuation, evacuation routes and alternate evacuation routes.

  x  

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\*Not Inspected

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2. Are copies of the Contingency Plan available at site and local emergency organizations? \_\_\_\_\_ X \_\_\_\_\_

3. Emergency Coordinator

a. Is the facility emergency Coordinator identified? \_\_\_\_\_ X \_\_\_\_\_

b. Is coordinator familiar with all aspects of site operation and emergency procedures? \_\_\_\_\_ X \_\_\_\_\_

c. Does the Emergency Coordinator have the authority to carry out the Contingency Plan? \_\_\_\_\_ X \_\_\_\_\_

4. Emergency

If an emergency situation has occurred at this facility, has the emergency coordinator followed the emergency procedures listed in §265.56? \_\_\_\_\_ X None has occurred

VI. RECORDKEEPING AND REPORTING  
(Part 262, Subpart D)

(A) Are Manifests, Annual Reports, Exception Reports, and all test results and analyses retained for at least three years? \_\_\_\_\_ X None Yet needed

(B) Has the generator submitted Annual Reports and Exception Reports as required? \_\_\_\_\_ X None Yet needed

VII. INTERNATIONAL SHIPMENTS  
(Part 262, Subpart E)

(A) Has the installation imported or exported hazardous waste? \_\_\_\_\_ X \_\_\_\_\_

(If A was answered Yes, then complete the following as applicable.)

1. Exporting Hazardous waste,  
has a generator:

a. Notified the Administrator  
in writing? \_\_\_\_\_

b. Obtained the signature of the  
foreign consignee confirming  
delivery of the waste(s) in the  
foreign country? \_\_\_\_\_

c. Met the Manifest requirements? \_\_\_\_\_

2. Importing Hazardous Waste,  
has the generator:

Met the manifest requirements? \_\_\_\_\_

VIII. Remarks

REMARKS: ① The only regularly generated hazardous waste is from cleaning out the door pit to the treating cylinder. They are currently in a slow business period, and are cleaning up the facility. This involved scraping all the soil, mud and debris from the drip pad, as well as completely cleaning out the door pit. On the date of the inspection, 13 drums of waste were on site. Four of these drums contained a settled material under a layer of a yellow green liquid. The other 9 drums contained mud and debris, some of which was still moist (the drums being used were open topped, but the tops were only sitting on the drums). No accumulation dates were marked, but the drums that exceeded the small quantity exemption limit appeared to be recent. Shipment has already been scheduled for mid-September.

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DATE: August 8, 1985

TO: Land Division File ✓

FROM: G. E. Steele - DLPC/FOS - Southern Region - Marion *ges*

SUBJECT: 1990555010 - Williamson County - Marion/Perma-Treat  
ILD063698971 - I.S.S. Inspection

An I.S.S. inspection of the Perma-Treat manufacturing facility in the Marion Industrial Park was conducted on August 8, 1985 by this author. I met with Mr. Rudy Bond and Ms. Carolyn Bond of Perma-Treat. This facility manufactures and pressure treats landscape timbers and bases for underground mine roof bolts. They utilize a Chrome-Copper-Arsenate (CCA) treating chemical supplied by Koppers, Inc. The chemical is received as a 50% solution, but is diluted down to 1.12% in the working tanks. The entire facility consists of an office building, a machine shop, a treatment building, and a storage yard. Their one pressure cylinder is located in the treatment building. Perma-Treats four tanks and 35' x 130' drip pad are also located at the treatment building, which actually encloses both the tanks and the cylinder. The tanks are an 18,000 gallon working tank, a 19,000 gallon mix tank, an 11,000 gallon water tank, and a 7,000 gallon chemical tank. The foundation and floor of the building serves as secondary containment.

When the ties are removed from the pressure cylinder, they are placed on the drip pad for 48 hours. The drip pad is sloped so that all points drain to the cylinder's door pit. After 48 hours, the timbers are placed in the yard. The storage yard is not paved or surfaced in any manner. There is a slot in the low wall of the approximate 6' x 4' x 6" door pit. This allows drainage from the drip pad and cylinder to flow into the tanks containment area. The drip pad is the only part that is not covered by a roof. Water collected in the tank pit is used for make-up water. The drip pad and door pit are the only sources of run-off to the tank pit.

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Perma-Treat's only waste, other than employee refuse, is "mud" from cleaning operations. The "mud", which is actually soil, rocks, and wood chips contaminated by CCA, comes from periodic cleaning of the cylinder and door pit. Mr. Bond estimates that about 200 lbs of waste is generated. Their regular handling method is to place the waste in open topped drums, and let it dry out. If there is excess liquid, concrete is added. A waste pick-up, reportedly their first, is scheduled for mid-September. The waste is to be handled by Koppers. Due to a seasonal business slow down and the already planned waste pick-up, a general site clean-up is underway. No chemical analysis of this waste has yet been made. The analysis is to be done in conjunction with disposal. I informed the Bonds that a determination of whether the waste was hazardous or not was needed. This determination, and any analysis done, needs to be maintained on-site.

We proceeded on a tour of the facility. They had just finished treating a batch of timbers. A yellow-green liquid was seen trickling from the open cylinder door into the door pit. This flowed to the slot. An approximate two inch layer of mud covered the bottom of the door pit. Four pallets of dry treated timbers were setting on the drip pad. There was no indication of run-off from the drip pad to the yard. Mr. Bond stated that because of the heavy rains the past week end, a lot of water had built up in the tank pit. Due to seasonal slack period, they had not been able to work this water into the process. By using a flat stick, it was determined that about one foot of yellow-green liquid was ponded in the tank pit. The stick also indicated there was an approximate four inch layer of mud directly on top of the concrete floor.

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August 8, 1985

Thirteen drums of waste were observed in the holding area. Open topped 55 gallon drums are used, with the lids just setting on top. The retaining rings were not engaged. Four of the drums were observed to have a layer of yellow green liquid on top of solids. The other nine drums were filled with mud and debris. The dirt was still moist, even though the lids were loose. No liquid had separated out as had the other drums. Mr. Bond stated this material came from cleaning up the pad. No markings or dates had been placed on these drums. The drip pad appeared to have been recently cleaned. All of the drums were setting on pallets.

I recommended that the tank pit be emptied as soon as possible to avoid classification as a hazardous waste impoundment or an underground storage tank. I also informed them that based upon the amount of waste on site, and lack of documentation to prove the contrary, Perma-Treat is a hazardous waste generator. Further questioning revealed that they did not have the documentation required of generators. A discussion of the generator requirements, the small quantity exemption, and how to maintain such an exemption followed. A recommendation was made to label all drums with the type of waste and the accumulation date to avoid future confusion, even if the S.Q. exemption is claimed. I requested that a copy of the manifest used in the current waste shipment be sent to me. A copy of Subtitle G was left with them.

GES:br  
8/22/85

cc: Land Division File

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